

Magistrate: _____ Agency and Case #: Waco PD 24-1894

AFFIDAVIT FOR WARRANTLESS ARREST**THE STATE OF TEXAS****IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF TEXAS:****COUNTY OF McLENNAN**

BEFORE ME, the undersigned authority, on this day, personally appeared (*affiant's name*) Sergeant Joshua McCuiston a duly authorized peace officer for (*agency*) Waco Police Department and for the State of Texas, who after being by me duly sworn, deposes and says: That on or about (*insert date*) 02/07/2024, before the making of this affidavit, in the State of Texas and County of McLennan, at approximately (*insert location*) 1511 S. Loop #12, Waco, TX 76704

The Accused (*insert name of the Accused*) David Lamont Drakes, did then and there commit the Criminal offense of (*specify offense*) PC 22.01 Aggravated Sexual Assault of a Child 1F

against the laws of the State of Texas. Affiant arrested the Accused for the following indicated reason(s) and has good reason to believe and does believe that the Accused has committed such offense because: *[mark and complete appropriate warrantless arrest basis, 1 to 7]*

- ☐ (1) Such offense was committed by the Accused in the presence of or **within the view of Affiant**;
- ☒ (2) The Accused was found by Affiant in a **suspicious place and under circumstances** that reasonably show that the Accused had been guilty of the above offense, which is: *[check which applies, (a) to (e)]*
- ☒ (a) a felony
- ☐ (b) offense under 49.02, Penal Code *[Public Intoxication]*
- ☐ (c) violation of Title 9, Chapter 42, Penal Code *[Disorderly Conduct and Related Offenses]*
- ☐ (d) a breach of the peace *[Offenses that cause disquiet and disorder, and which threaten danger and disaster to the community. Offenses specifically held to be a breach of the peace are - being drunk in public, driving in wrong lane, displaying pistol, UCW, DWI, and FSI. One offense specifically held NOT to be breach of the peace is criminal trespass.]*
- ☐ (e) the Accused threatened or was about to commit some offense against the laws of this State
- ☐ (3) There is probable cause to believe that the Accused committed an **assault resulting in bodily injury**, namely (*insert description of injury*) _____, to another person, namely (*identify person assaulted*) _____ and Affiant has probable cause to believe that there is danger of further bodily injury to that person (*list facts supporting danger of further injury*). _____
- ☐ (4) There is probable cause to believe that the Accused committed an **assault resulting in bodily injury**, namely (*insert description of injury*) _____, to a **member of the Accused's family or household**, namely (*identify person*) _____, who is/was (*identify family or household relationship*) _____
- ☐ (5) There is probable cause to believe that the Accused committed the offense **Violation of a Protective Order (25.07, Texas penal Code for protective order or magistrate's protective order, NOT ex parte protective order)**, which Order was issued by the (*identify the Court issuing the order*) _____ and was signed or became Effective on (*insert date*) _____ and which Order prohibited the Accused from (*state what order prohibited*) _____
- ☐ (6) There was shown to Affiant, by satisfactory proof, and/or upon the representation of the credible person, that said offense, a **felony**, had been committed by the Accused and the Accused was **about to escape** so that there was no time to procure a warrant; or
- ☐ (7) The Accused was arrested to prevent the consequences of theft, as provided by Art. 18.16, Texas Code of Criminal Procedure.

Page 2The Accused: (insert name of the Accused) David Lamont DrakesProperty the Accused ☐ damaged or destroyed or ☐ took without consent is/was: _____

and it has an estimated value of _____,

which estimate was provided to me by _____

Weapon(s) ☐ displayed or ☐ used was/were _____Information regarding this offense was provided to me by: ☐ the victim(s) ☐ apparent eye witness(es) ☐ peace officer(s)☐ other person(s) as follows: _____

For Criminal Trespass: warning or notice was given by (identify how warned) _____

Facts in support of the above indicated reason(s) for arrest include: That on said date in McLennan County, Texas

(set out facts supporting probable cause for elements of offense -- if offense must occur in public place, clearly identify the public place)

David Lamont Drakes did commit the offense of Aggravated Sexual Assault by having sexual intercourse multiple times with a 13-year old female who shall remain unnamed in this affidavit. The offense occurred at his apartment at 1511 S. Loop #12 over a three-day period between February 5th, 2024 and February 7th, 2024. The victim confirmed the sexual assaults occurred.

The 13-year old female victim is a "Child Without Placement" under the custody of Child Protective Services. Child Protective Services has been housing their CWOP children in two locations that continue to expose them to high risk of further harm, which are a house in East Waco and a motel in South Waco. Due to insufficient resources and policies that prohibit them from restraining or otherwise controlling the movements of these children, the high-risk children frequently run away and are then picked up or trafficked by adults. This is the third case of sexual assault against a CWOP child in CPS custody within the past week.

The 13-year old female victim was reported as a runaway from a CPS home in East Waco on 2/5/2024. Based on information we received today, she went to a nearby gas station where she met the accused, David Lamont Drake. Drake admitted picking her up in his Kia Soul and offering her a ride. Drake was already a registered sex offender at the time of these events. After picking her up, the female victim stayed with Drake until she was located at 21:40 on 2/7/2024. CPS staff had been alerted by other children in their custody that the victim had been texting other children, and one of the other children had already been trafficked in a separate case. CPS staff contacted the Waco Police Department, who located the child victim at the suspect's address at 1511 S. Loop #12. The victim stated that they had had sex multiple times over the three day period, and no condom was used. When Drake was informed of his charge, he did not deny having sex with her, simply stating "I didn't know how old she was".

The child victim was taken to Hillcrest hospital for medical evaluation.

Waco Police Department **X**
AGENCY

AFFIANT'S SIGNATURE

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BADGE #Sworn and subscribed before me, this the 8th day of (insert month) February, A.D. (Year) 2024A. V. K. 502
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PEACE OFFICER